

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a Washington  
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA  
MOBILITY, INC., and GENERAL  
INSTRUMENT CORPORATION,

Defendants.

CASE NO. C10-1823-JLR

MOTOROLA MOBILITY'S AND  
GENERAL INSTRUMENT'S  
UNOPPOSED AND AGREED MOTION  
TO SUBSTITUTE PARTIES

**NOTED ON MOTION CALENDAR:  
Thursday, September 13, 2012**

MOTOROLA MOBILITY, INC., and  
GENERAL INSTRUMENT CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim Plaintiff.

MOTOROLA MOBILITY'S AND GENERAL INSTRUMENT'S  
UNOPPOSED AND AGREED MOTION TO SUBSTITUTE  
PARTIES  
CASE NO. C10-1823-JLR

SUMMIT LAW GROUP PLLC  
315 FIFTH AVENUE SOUTH, SUITE 1000  
SEATTLE, WASHINGTON 98104-2682  
Telephone: (206) 676-7000  
Fax: (206) 676-7001

Pursuant to Rule 25 of the Federal Rules of Civil Procedure, defendants Motorola Mobility, Inc. and General Instrument Corp. hereby respectfully move the Court for an order substituting the currently named defendant Motorola Mobility, Inc. with defendant Motorola Mobility LLC. Plaintiff Microsoft Corp. does not oppose any of the relief requested in the Motion.

## **I. FACTS**

On June 22, 2012, Motorola Mobility, Inc. filed a Certificate of Conversion in the State of Delaware, in which Motorola Mobility, Inc. converted from a corporation to a limited liability company,<sup>1</sup> and changed its name to Motorola Mobility LLC.<sup>2</sup> There is no longer an entity operating under the name “Motorola Mobility, Inc.” Defendant General Instrument Corp., which was a wholly owned subsidiary of Motorola Mobility, Inc., remains a wholly owned subsidiary of Motorola Mobility LLC.

The representations contained in this Motion are offered solely in an effort to correct the record and to avoid unnecessary motion practice. The parties have agreed that they shall have no bearing on the merits of the case or otherwise be construed as an admission concerning any defense or claim.

## **II. CONCLUSION**

Motorola Mobility, Inc. hereby respectfully moves the Court for an order substituting current defendant Motorola Mobility, Inc. with new defendant Motorola Mobility LLC.

---

<sup>1</sup> See Certificate of Conversion, attached hereto as Exhibit 1.

<sup>2</sup> See *id.*; see also Certificate of Formation, attached hereto as Exhibit 2.

1 DATED this 13th day of September, 2012.

2 SUMMIT LAW GROUP PLLC

3 By /s/ Ralph H. Palumbo

4 Ralph H. Palumbo, WSBA #04751

5 Philip S. McCune, WSBA #21081

6 Lynn M. Engel, WSBA #21934

7 *ralphp@summitlaw.com*

8 *philm@summitlaw.com*

9 *lynne@summitlaw.com*

10 By /s/ Thomas V. Miller

11 Thomas V. Miller

12 MOTOROLA MOBILITY LLC

13 600 North U.S. Highway 45

14 Libertyville, IL 60048-1286

15 (847) 523-2162

16 And by

17 Jesse J. Jenner (*pro hac vice*)

18 Steven Pepe (*pro hac vice*)

19 Kevin J. Post (*pro hac vice*)

20 Ropes & Gray LLP

21 1211 Avenue of the Americas

22 New York, NY 10036-8704

23 (212) 596-9046

24 *jesse.jenner@ropesgray.com*

25 *steven.pepe@ropesgray.com*

26 *kevin.post@ropesgray.com*

James R. Batchelder (*pro hac vice*)

Norman H. Beamer (*pro hac vice*)

Ropes & Gray LLP

1900 University Avenue, 6<sup>th</sup> Floor

East Palo Alto, CA 94303-2284

(650) 617-4030

*james.batchelder@ropesgray.com*

*norman.beamer@ropesgray.com*

1 Paul M. Schoenhard (*pro hac vice*)  
2 Ropes & Gray LLP  
3 One Metro Center  
4 700 12<sup>th</sup> Street NW, Suite 900  
5 Washington, DC 20005-3948  
6 (202) 508-4693  
7 *paul.schoenhard@ropesgray.com*

8 ***Attorneys for Motorola Solutions, Inc., Motorola***  
9 ***Mobility LLC, and General Instrument***  
10 ***Corporation***  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

MOTOROLA MOBILITY'S AND GENERAL INSTRUMENT'S  
UNOPPOSED AND AGREED MOTION TO SUBSTITUTE  
PARTIES - 3  
CASE NO. C10-1823-JLR

4833-3449-1921.1

SUMMIT LAW GROUP PLLC  
315 FIFTH AVENUE SOUTH, SUITE 1000  
SEATTLE, WASHINGTON 98104-2682  
Telephone: (206) 676-7000  
Fax: (206) 676-7001

**CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Arthur W. Harrigan, Jr., Esq.  
Christopher T. Wion, Esq.  
Shane P. Cramer, Esq.  
Danielson, Harrigan, Leyh & Tollefson LLP  
*arthurh@dhl.com*  
*chrisw@dhl.com*  
*shanec@dhl.com*

Richard A. Cederoth, Esq.  
Brian R. Nester, Esq.  
David T. Pritikin, Esq.  
Douglas I. Lewis, Esq.  
John W. McBride, Esq.  
David Greenfield, Esq.  
William H. Baumgartner, Jr., Esq.  
David C. Giardina, Esq.  
Carter G. Phillips, Esq.  
Constantine L. Trela, Jr., Esq.  
Ellen S. Robbins, Esq.  
Nathaniel C. Love, Esq.  
Sidley Austin LLP  
*rcederoth@sidley.com*  
*bnester@sidley.com*  
*dpritikin@sidley.com*  
*dilewis@sidley.com*  
*jwmcbride@sidley.com*  
*david.greenfield@sidley.com*  
*wbaumgartner@sidley.com*  
*dgiardina@sidley.com*  
*cphillips@sidley.com*  
*ctrela@sidley.com*  
*erobbins@sidley.com*  
*nlove@sidley.com*

T. Andrew Culbert, Esq.  
David E. Killough, Esq.  
Microsoft Corp.  
*andycu@microsoft.com*  
*davkill@microsoft.com*

DATED this 13th day of September, 2012.

/s/ Marcia A. Ripley

Marcia A. Ripley